

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

ERNEST N. BENJAMIN, )  
PETITIONER; )  
V. )  
LUIS SPENCER, )  
RESPONDENT, )  
\_\_\_\_\_ )

CIVIL ACTION NO. 2004-11025-JTL

PETITIONER'S MOTION TO AMEND PETITION  
OF HABEAS CORPUS

CLERK OF DISTRICT COURT  
JUL 1 2005  
DISTRICT OF MASSACHUSETTS

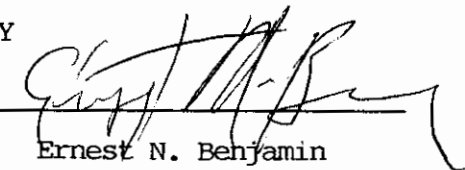
Comes now, Ernest N. Benjamin, petitioner in pro-se' and moves this honorable court to allow amendment of his Petition for Writ of Habeas Corpus, pursuant to, F.R.Civ.P RULE 15(c), and in incorporation with the attached reply to Magistrate's Report(#18), and as reasons therefore would state as follows:

- 1) That the petitioner no longer has the former documents as he is limited in the quantity of legal paperwork allowed in his possession.
- 2) That petitioner disposed of the former petition and considered the instant petition as valid.
- 3) That the aforementioned Magistrate's Report avered the former petition and the instant petition's grounds are "in large measure" identical to those stated in the instant petition.
- 4) That to the best of memory, the instant petition has greater clarity in it's expression of the contested issues and grounds.
- 5) Allowing the Amendment to relate back nunc pro tunc, would better serve the greater interests of justice.

UNDER PENALTIES OF PERJURY

DATED: JUNE 23, 2005


SO SWORN:

  
Ernest N. Benjamin

CERTIFICATE OF SERVICE

I, Ernest N. Benjamin, do now certify that I caused to be served upon the Asst. Attorney General, Ms. Eva Badway, at One Ashburton Place, Boston, MA 02210, the enclosed Reply to the Magistrate's Report (#18) and Petitioner's Motion to Amend Petition, by manner of U.S. Mail postage pre-paid on this, 23 day of June, 2005.

SO CERTIFIED:

A handwritten signature in black ink, appearing to read "Ernest N. Benjamin", is written over a horizontal line. The signature is stylized with a large, sweeping "E" and a long, trailing flourish at the end.